FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.585 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.N.K.Thakore i/by Prakash Naik for the petitioner.

Mr.Ezaz Khan Special P.P. for the C.B.I.

Mr.S.R.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 23.3.2006.

PC

1. I have heard the matter at length. This is a petition for de-novo trial. In this case the original charge was framed on 23.7.1997 but after the entire evidence was led and arguments of both the sides were over, the charge has been subsequently amended on 16.2.2006. After amending the charge, the Court has also directed re-called of all the witnesses whose evidence would be relevant for the purpose of proving amended

charge. The grievance made is that the fresh sanction would be required under Section 19 of the Prevention of Corruption Act. Special Public Prosecutor makes a statement upon taking instructions that no fresh sanction is required as the sanction has already been obtained for a prosecution on the same facts as those on which the altered or added charge is founded. This statement is accepted. In this view of the matter, the trial would proceed. It will obviously be open for the accused to contend at the argument stage that the sanction which has already been obtained by the prosecution was not on the same facts as those on which the altered or added charge is founded. The issue as to the sufficiency of the sanction already granted will be decided at the final stage alongwith all other issues. With these directions petition stands disposed of.

3. Special Public Prosecutor states that on the last occasion the witnesses were discharged. However, in the interest of justice, he will keep all the witnesses present on the next date which is on 28.3.2006. If the witnesses are present, their examination should proceed.

(R.S.Mohite,J)